
**Criminal Justice & Corrections
Committee**

HB 2413

Brief Description: Requiring the department of corrections to electronically monitor offenders.

Sponsors: Representatives Lovick, Rodne, O'Brien, Ericks and Anderson.

Brief Summary of Bill

- Requires the Department of Corrections (DOC) to conduct a pilot project to evaluate the cost and effectiveness of using global positioning system technology to monitor transient or level three sex offenders on community custody who committed their offense against minors.
- Provides the DOC and its employees immunity from civil liability for acts or omissions relating to information gathered through the pilot project.

Hearing Date: 1/13/06

Staff: Lara Zarowsky (786-7119) and Jim Morishima (786-7191).

Background:

Risk Assessment

Upon release from custody, a sex offender is evaluated by the End of Sentence Review Committee (ESRC) to determine the risk that offender poses to the community. Every sex offender is designated as Level I (low risk), Level II (moderate risk) or Level III (high risk) upon release. Local law enforcement agencies may depart from the initial ESRC risk level determination, provided that the agencies notify the ESRC of the departure and the reasons therefor.

Risk levels, in addition to providing information as to community risk, correspond to the kind and amount of offender information law enforcement is permitted to release to the public. The higher the risk level, the more information law enforcement is permitted to release. For example, information regarding a low risk (level I) offender may be provided only to specified persons or entities (e.g., the victim, local schools), while information regarding a high risk (level III) offender may be released to the public at large. Transient offenders are treated as level III offenders for purposes of community notification.

Community Custody

Community custody is a form of post-incarceration supervision administered by the DOC. Most sex offenders are required to complete a term of community custody. The sentencing court imposes conditions of community custody pursuant to statute and the court's own discretion. The DOC may impose additional conditions on an offender based on the offender's risk, as long as the conditions do not interfere with the conditions imposed by the court.

Active GPS Monitoring

The term "electronic monitoring" refers to all electronic offender tracking systems. Electronic monitoring using global positioning system (GPS) technology may be used to provide passive or active offender tracking. "Passive" monitoring systems record information about an offender's whereabouts for later download and examination. "Active" monitoring systems relay real-time reporting of an offender's location, and can be programmed to alert the monitoring station when an offender leaves a designated area or enters an area from which he or she is barred. Active GPS monitoring requires an offender to wear an electronic device (such as an ankle bracelet) on his or her body.

Summary of Bill:

A pilot project is established to evaluate the cost and effectiveness of using GPS technology to monitor, as a condition of community custody, transient or level III sex offenders who committed crimes against minors. The DOC, in consultation with the Washington Association of Sheriffs and Police Chiefs, will conduct the program and report to the governor and appropriate legislative committees by December 1, 2007, regarding: (a) the availability and reliability of active GPS technology, (b) training requirements and prospects for expanding application of the technology, and (c) an evaluation of cost and payment options for equipment, monitoring, and the DOC staffing.

Immunity from civil liability is extended to the DOC and employees acting within the scope of the DOC employment for acts or omissions relating to offender information gathered through the pilot program.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect on July 1, 2006.